REMARKS

This is intended as a full and complete response to the Office Action dated October 4, 2004, having a shortened statutory period for response set to expire on January 4, 2004.

Claims 1-18 are currently amended in the Application.

Claims 1-49 are pending in the Application.

Claims 4-7 and 13-16 are objected to by the office action.

Claims 19-49 are new in the Application.

Applicant appreciates the time taken by the Examiner Barot on December 6, 2004, to discuss the art and claims with inventor Osburn. Applicant also appreciates the indication that the amendments herein place the Application in condition for allowance.

I.   Claim Objections

During the interview of December 6th agreement was reached regarding the previously rejected claims 2-3 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, is now an independent claim for a method of operation of a SCADA system. Claim 2 as an independent claim requires no antecedent basis from claim 1.

Claim 3, has been amended to depend from claim 2, and has been amended correct the antecedent basis problem.

Claims 4 and 5 have been amended to independent claims. Claims 4 and 5 have also been amended to include the limitations of the canceled independent claim 1. Applicant believes the amendments to claims 4 and 5 comply with the suggestion of Examiner Barot.

Claims 6-7 and 13-16 are dependant on rewritten claims 4 and 5 in independent form to comply with the suggestion of Examiner Barot.

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Applicant believes that no new matter has been added with these amendments.

II. Claim Rejections, 35 USC §102(e)

During the interview of December 6th agreement was reached regarding the previously rejected claims 1-3 under 35 U.S.C. § 102(e) as being unpatentable over Blackett US Patent Number 6,751,562.

The embodiments of the claim 1 as amended are for a supervisory control and data acquisition system (SCADA) that uses an enterprise server, at least one intelligent electronic device (RTU), AES communications software adapted to simultaneously handle multiple types of telemetry and different SCADA protocols of different RTU's for measurement and control. Support for this amendment can be found in Paragraph [0031] of the application as filed.

The present invention is for a system and a method that permit one enterprise server to talk to many RTUs units simultaneously, each with different protocols, not just one at a time. See Paragraph [0031] of the application as filed.

Blackett discloses a power management system with no ability to provide simultaneous communication to many RTU's each having different protocols and multiple types of telemetry.

The Blackett system discloses an IED where the "IED is configured as an email client with the email server and appears to the email server as any other user of email within the enterprise...the IED may be configured to define or set any outgoing message criteria/parameters or to conform its communications to the user or enterprise domain address." (Column 4, Line 25-36)

Although Blackett describes connecting networks together, he does not teach connecting a remote terminal unit (RTU) to an enterprise server with AES resident on the server, while continuing to run the SCADA system. The protocols used in the Blackett system are used for connecting networks together such as TCP/IP (Blackett Col 14, Lines 29-32), however once a network connection is established using this high level protocol there still can be no communication between the networks if the networks are speaking a different language over the

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established connection. The applicants invention is directed at being able to speak any SCADA protocol or language over a multitude of different connections types. The SCADA protocols are listed on Page 32 starting with Paragraph [00098] through Page 35.

The Power Management components of Blackett are taught to be located on the IED 102-109 or on the back end server 121-124. However, this IED is unlike the AES communication software that controls the SCADA system in the current application, and is more more related to an RTU since the RTU's meters and fault recorders from PLC are components of the IED, not an enterprise server running AES. The Blacket's IED is a data recording device where the AES is a communications software on an enterprise server as disclosed in application.

An advantage of the current system and method is that the AES can talk the protocol of a meter, a fault recorder, a protective relay simultaneously, where the IED cannot additionally talk the protocol of all these devices simultaneously.

Claim 1 as amended now states that the SCADA system can configure the AES to communicate simultaneously with the RTU without having to program the RTU or program the AES with a protocol that both systems can understand (Para [00031] of the application as filed). This allows for the simultaneous running of the connected RTUs and the installation of additional RTUs without a requirement that the RTUs have a specific protocol. The use of the AES with the ARME software creates an embodiment of the RTU that is, "designed so that all hardware features can be configured from ARME. This means the user no longer has to have dipswitches, plug in modules, or jumpers. This saves time so that all hardware options with regard to I/O and communication are set in software only." Blackett, does not disclose parts or software that would allow for the configuration of the IED by an automated system or from a remote location and Blackett would have to take his system offline to add an additional IED. Support for the continuous communications with the RTU's while adding additional RTU's to the system can be found in claim 9 of the application as filed.

Applicant's method and system contemplates equipment being spread over large geographic systems, so that connection orientated communications are possible with this system, which is not taught in any of the references. The applicants method and system can reestablish, at least a degraded mode of operation, which Blankett cannot do, should the method break down.

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Applicant's invention is a connection oriented communiation, not "connectionless", as in Column 3, lines 49 – 50, column 8, lines 33-40, and column 10 lines 49-52 of the Blankett reference.

Applicant believes that no new matter, has been added with the amendment to claim 1, and respectfully request reconsideration of the claims in view of the amendment.

The embodiments of the claim 2 as amended are for a method for communication for a supervisory control and data acquisition (SCADA) system. The method has the steps of communicating a command from the enterprise server to the RTU via the AES to configure the RTU, and now includes the following, wherein the AES is adapted to simultaneously handle multiple types of telemetry and different SCADA protocols of different RTU's for measurement and control. Support for this amendment can be found in Para 31 of the application as filed. Applicant believes that the amendment to claim 2 of the current application overcomes the Blackett reference for the same reason presented for claim 1.

Claims 8-12 have been amended to depend on amended system claim 4, and are believed distinguished from Blackett at the present time since claim 4 has been rewritten in independent form following the suggestion of Examiner Barot.

Claims 17-18 have been amended to depend on amended system claim 4, and are believed distinguished from Blackett at the present time since claim 4 has been rewritten in independent form following the suggestion of Examiner Barot.

Claims 19-25 are new dependant claims that depend from independent claim 4. These new independent claims are supported in the application as filed in claims 8-12 and 17-18.

Claims 26-32 are new dependant claims that depend from independent claim 4. These new independent claims are supported in the application as filed in claims 8-12 and 17-18.

Claims 33 and 34 are new dependant claims depending on independent claims 4 and 5 respectively. These new claims are supported in claim 3 of the application as filed.

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Claims 35-49 are new dependant claims depending on independent claim 2. These new claims are supported by claims 6-18 of the application as filed.

Reconsideration of this Application with the amended claims in view of the remarks expressed throughout this Response is respectfully requested.

The Applicant hereby authorizes any additional fees due in accordance with the filing of this response to be charged to USPTO deposit account number 50-1313.

Respectfully submitted,

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